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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,843	09/30/2003	Jeyhan Karaoguz	14823US02	6899

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER
CHEEMA, UMAR

ART UNIT	PAPER NUMBER
2444	

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10/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/675,843	KARAOGUZ ET AL.	
	Examiner	Art Unit	
	UMAR CHEEMA	2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-16,18-27 and 29-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 7-16, 18-27, and 29-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the Amendment filed on 07/15/2008. Claims 1-5, 7-16, 18-27, and 29-34 are pending with claims 1, 12, and 23 being amended.

Response to Arguments

2. Applicant's arguments with respect to claims 1-5, 7-16, 18-27, and 29-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-5, 7-16, 18-27, and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fritsch (U.S. Pat. App. Pub. 2002/0124258) in view of Saxena (U.S Pat. App. Pub. 2004/0024886).

Regarding claim 1, Fritsch disclosed a method and system comprising automatically transferring one or more of media, data and/or service to a view of one or both of a first media processing system and/or a first personal computer within the distributed media network, wherein said automatic transfer is controlled by utilizing at least a first rule hosted by said one or both of said first media processing system and/or said first personal computer ("media delivery center receives media-rich broadcasts", see paragraph [0028], [0031], [0033]); and automatically routing said automatically transferred one or more of media, data and/or service from said view of said one or both of said first media processing system and/or said first personal computer to a view of one or both of a second media processing system and/or a second personal computer ("media programs are delivered to output devices by a media delivery system", see paragraph [0028], [0031], [0033]), wherein said first and second views comprise one or more of: a device view, a media view, and a channel view ("a particular channel", see paragraph [0033]).

Fritsch disclosed substantially the invention as claimed for the given reasons above however explicitly does not disclose wherein said automatic transfer is controlled by utilizing at least a first rule hosted by said one or both of said first media processing system and/or said first personal computer. However in the same field of invention Saxena discloses wherein said automatic transfer is controlled by utilizing at least a first rule hosted by said one or both of said first media processing system and/or said first personal computer (see abstract, par. [0006, 0033, figure 1 and the details related to figure in specifications; controlling content exchange mechanism etc.]).

It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Fritsch and Saxena for a media communication method and system. Motivation for doing so would have been authorization accessing and controlling shared content exchange (see Saxena: par. [0001]).

4. Regarding claims 2, Fritsch disclosed the method and system comprising consuming said routed one or more of said media, data and/or service by said one or both of said second media processing system and/or said second personal computer (see paragraph [0039]).

5. Regarding claims 3, Fritsch disclosed the method and system comprising controlling said consumption by said one or both of said second media processing system and/or said second personal computer by utilizing at least a second rule (see paragraph [0046]).

6. Regarding claims 4, Fritsch disclosed the method and system comprising scheduling said consumption of said one or more of said media, data and/or service by said one or both of said second media processing system and/or said second personal computer utilizing said at least a second rule (see paragraph [0046]).

7. Regarding claims 5, Fritsch disclosed the method and system wherein said at least a second rule is a consumption rule (see paragraph [0046]).

8. Regarding claims 7, Fritsch disclosed the method and system comprising pre-defining said at least a first rule (see paragraph [0033], [0037]).

9. Regarding claims 8, Fritsch disclosed the method and system wherein said at least a first rule is a transfer rule (see paragraph [0033], [0037]).

10. Regarding claims 9, Fritsch disclosed the method and system comprising controlling said automatic routing utilizing at least a third rule (see paragraph [0033], [0037]).

11. Regarding claims 10, Fritsch disclosed the method and system comprising predefining said at least a third rule (see paragraph [0033], [0037]).

12. Regarding claims 11, Fritsch disclosed the method and system wherein said at least a third rule is a routing rule (see paragraph [0033], [0037]).

13. Claims 12-16, 18-27, and 29-34 substantially claim the same invention as claims 1-5 and 7-11. Accordingly, these claims are rejected under the same rationale detailed above.

Response to Arguments

14. Applicant's arguments filed 07/15/2008 have been fully considered but they are not persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address applicant's main point of contention. Applicant's main arguments include:

15. Regarding claim 1, Applicant asserts that Fritsch does not disclose "wherein said automatic transfer is controlled by utilizing at least a first rule hosted by said one or both of said first media processing system and/or said first personal computer" as claimed. However Examiner disagrees with Applicant's arguments as claims 1 is taught or suggested by Fritsch in view of Saxena.

16. Applicant argues that "Fritsch does not describe how media content is transferred to the media center 300 and how the transfer is controlled" or "that the transfer of the

content 302 is controlled in any way by a rule". Examiner notes that the claimed "first rule" is broadly recited, and is not limited by the claim language regarding any specific mechanics. At best, the claimed "first rule" as recited in claim 1 has the functionality of "controlling" the transfer of data to the first media processing system/computer. As acknowledged by Applicant, the media delivery center of Fritsch receives data (i.e., "transferring...media...to...a first media processing system", claim 1). Examiner submits that any number of provisions associated with the transfer of data between the media deliver center and content source of Fritsch reads on the broad concept of controlling such transfer using a "first rule". For example, the protocol used to transfer data ("media delivery center 202 can receive local TV broadcasts 204 and satellite broadcasts", paragraph [0031]), the format of the data ("video, audio or graphic forms", paragraph [0031]), subscription rules ("end users subscribe to the media delivery system for various programs", paragraph [0031]), or security rules ("media program content 302 is encrypted", paragraph [0033]) can all be considered "rules" as they are clearly aspects that control the transfer of media content to the media delivery center. The breadth of the claim language allows for such a reasonable interpretation. While it may be argued that the reference does not specifically refer to such considerations as "rules", to consider the provisions governing data transfer noted above as rules would have been reasonably drawn from the disclosure of Fritsch. "[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344

(CCPA 1968). See MPEP 2144.01. However in the same field of invention Saxena discloses wherein said "automatic transfer is controlled by utilizing at least a first rule hosted by said one or both of said first media processing system and/or said first personal computer (see abstract, par. [0006, 0033, figure 1 and the details related to figure in specifications; controlling content exchange mechanism etc.])". Accordingly, Examiner submits that Fritsch in view of Saxena teach or suggest the claim limitation argued. Therefore, 35 U.S.C § 103(a) rejection is proper.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./
Examiner, Art Unit 2444
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444